

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No. 3:21-CV-266

STEPHANIE C. WOOD,
Plaintiff,

v.

WESTERN EXPRESS, INC., and AARON
KENT III,
Defendants.

NOTICE OF REMOVAL

TO: The United States District Court
For the Western District of North Carolina

NOW COME Defendants Western Express, Inc. and Aaron Kent III (collectively “Defendants”), by and through the undersigned counsel, and do hereby exercise their rights under the provisions of 28 U.S.C. § 1441 *et seq.*, to remove this action from the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, in which this cause is now pending as Case No. 21 CVS 7253. Defendant shows unto the Court as follows:

1. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction pursuant to Title 28 U.S.C. § 1332 in that complete diversity of citizenship existed at the time of the filing of this action and still exists as between the Plaintiff and the Defendants, and upon information and belief, the amount in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs.

2. Under the provisions of 28 U.S.C. § 1441 *et seq.*, the right exists to remove this cause from the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, to the United States District Court for the Western District of North Carolina, which is the District where this action is pending.

3. On or about May 6, 2021, Plaintiff filed the Complaint in this action in the Superior Court of Mecklenburg County, North Carolina (“State Court Action”) asserting claims against Defendants related to a motor vehicle accident, including negligence, vicarious liability, and negligent hiring, training, retention, and supervision.

4. The date on or before which Defendant is required by the Rules of Civil Procedure of the State of North Carolina to answer or otherwise plead to Plaintiff’s Complaint has not lapsed.

5. The Complaint alleges that Plaintiff is a citizen and resident of Mecklenburg County, North Carolina.

6. Defendant Kent is now, and was at the time of the commencement of this action, a resident of Decatur, Georgia.

7. Defendant Western Express, Inc. is now, and was at the time of the commencement of this action, incorporated in Tennessee with its principal place of business in Nashville, Tennessee.

8. This Notice of Removal is being filed within thirty (30) days after the receipt by Defendant Western Express, Inc., through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action is based.

9. In accordance with the requirements of Title 28 U.S.C. § 1446, Defendant is attaching hereto a copy of all process, pleadings, and orders served upon it in this action (attached as Exhibit A).

10. Pursuant to Title 28 U.S.C. § 1446, all defendants consent to the removal of this action.

11. Service of this Notice of Removal is being made upon all parties as required by law.

12. Properly after filing this Notice of Removal, Defendant will serve upon the Plaintiff and file with the Clerk of Superior Court of Mecklenburg County, as required by law, a "Notice of Filing of Notice of Removal" in the form attached as Exhibit B.

WHEREFORE, Defendants pray that this action be removed to this Court for further proceedings, as though this action had originally been instituted in this Court.

This the 7th day of June, 2021.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Anderson H. Phillips
DAVID M. DUKE
State Bar No. 12388
ANDERSON H. PHILLIPS
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing document upon the party shown below by depositing a copy of same in the United States mail, postage prepaid, addressed to said party.

This the 7th day of June, 2021.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Anderson H. Phillips
DAVID M. DUKE
State Bar No. 12388
ANDERSON H. PHILLIPS
State Bar No. 52343
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Served on:

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